

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TAWNY A.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 3:21-CV-437-NJR

ORDER

ROSENSTENGEL, Chief Judge:

Before the Court is the parties' Joint Motion to Remand for Further Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(g). (Doc. 18). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

The parties agree that, upon remand, the Appeals Council will vacate all findings in the Administrative Law Judge's (ALJ) decision and remand the matter to an ALJ. On remand, the ALJ will evaluate the medical source opinions and Plaintiff's residual functional capacity, determine whether Plaintiff could perform her past relevant work or work that exists in the national economy, and issue a new decision.

Plaintiff applied for disability benefits in June 2019. (See Doc. 13). While recognizing that the agency has a full docket, the Court urges the Commissioner to

expedite this case on remand.

For good cause shown, the parties' Joint Motion to Remand for Further Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(g) (Doc. 18) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: January 14, 2022

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint circular seal of the United States District Court for the District of New Jersey.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge